

STATE OF NEW YORK

4482

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting price gouging on certain consumer goods sold at thruway gas stations, restaurants, and other facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 2 of section 396-r of the general business law,
2 as amended by chapter 725 of the laws of 2023, is amended to read as
3 follows:
- 4 2. (a) During any abnormal disruption of the market for goods and
5 services vital and necessary for the health, safety and welfare of
6 consumers or the general public, no party within the chain of distrib-
7 ution of such goods or services or both shall sell or offer to sell any
8 such goods or services or both for an amount which represents an uncon-
9 scionably excessive price.
- 10 (b) For purposes of this section, the phrase "abnormal disruption of
11 the market" shall mean any change in the market, whether actual or immi-
12 nently threatened, resulting from stress of weather, convulsion of
13 nature, failure or shortage of electric power or other source of energy,
14 strike, civil disorder, war, military action, national or local emergen-
15 cy, drug shortage, or other cause of an abnormal disruption of the
16 market which results in the declaration of a state of emergency by the
17 governor.
- 18 (c) For purposes of this section, the term "drug shortage" shall mean,
19 with respect to any drug or medical product intended for human use, that
20 such drug or medical product is publicly reported as being subject to a
21 shortage by the U.S. Food and Drug Administration.
- 22 (d) For the purposes of this section, the term "goods and services"
23 shall include (i) consumer goods and services used, bought or rendered
24 primarily for personal, family or household purposes, (ii) essential

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 medical supplies and services used for the care, cure, mitigation,
2 treatment or prevention of any illness or disease, and (iii) any other
3 essential goods and services used to promote the health or welfare of
4 the public.

5 (e) This prohibition shall apply to all parties within the chain of
6 distribution, including any manufacturer, supplier, wholesaler, distrib-
7 utor or retail seller of goods or services or both sold by one party to
8 another when the product sold was located in the state prior to the
9 sale. For the purposes of this subdivision, the term "goods and
10 services" shall also include any repairs made by any party within the
11 chain of distribution of goods on an emergency basis as a result of such
12 abnormal disruption of the market.

13 (f) This prohibition shall also apply to consumer good and services
14 sold at service facilities established pursuant to subdivision ten of
15 section three hundred fifty-four of the public authorities law. For the
16 purposes of this subdivision, the term "goods and services" shall also
17 include any repairs made by any party within the chain of distribution
18 of goods on an emergency basis as a result of such abnormal disruption
19 of the market.

20 § 2. This act shall take effect immediately.